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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-506**

11 **HERYON ESKIN, AKA HERYON LEE**  
12 **1906 Glencoe Way**  
**Glendale, CA 91208**  
13 **Registered Nurse License No. 494134**

**A C C U S A T I O N**

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),  
20 Department of Consumer Affairs.

21 2. On or about August 31, 1993, the Board issued Registered Nurse License Number  
22 494134 to Heryon Eskin, aka Heryon Lee (Respondent). The Registered Nurse License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on  
24 December 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

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PATIENT L.G.

9. On or about November 27, 2006, at about 2255 hours, Patient L.G. was admitted to Aurora Las Encinas Hospital (Facility) in Pasadena, California for treatment of substance abuse and major depression. Patient L.G. reported to Facility staff that he had relapsed on alcohol and was abusing Oxycodone<sup>1</sup> for past three (3) years. The Facility's physician, Dr. Joseph Haraszti (Dr. Haraszti), prescribed the Facility's "CNS Narcotic Detox Protocol" and "Alcohol Detox Protocol", which included Librium<sup>2</sup> 25mg as needed, and Subutex<sup>3</sup> 2mg three times daily. Orders were in place for the patient to be checked every fifteen minutes. The nursing assessment upon admission showed that Patient L.G. experienced suicidal ideation with depression, decreased motor activity, anxiety and irritability. At 0020 hours on November 28, 2006, Dr. Haraszti ordered a urine sample for drug screening.

10. On or about November 28, 2006, Dr. Haraszti noted that Subutex 6mg/day for this patient was "obviously not an adequate dose for him given his high level of opiate abuse," and ordered an increase of dosage of Subutex and an immediate dose of Librium 50mg for alcohol withdrawal symptoms. Nursing notes do not include a physical assessment addressing alcohol withdrawal, other than routine vital signs which were within normal limits.

11. On or about November 29, 2006, nursing notes at about 1700 hours indicate Patient L.G. was found "drowsy and sedated" and unresponsive to painful stimuli. Dr. Peter Ma, the Facility's Medical Service Director for Internal Medicine, charted that Patient L.G.'s respirations were "somewhat slowed", and noted "R/O post-ictal, secondary to alcohol<sup>4</sup>" L.G. was transported to San Gabriel Valley Medical Center Emergency Department for treatment. While at San

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<sup>1</sup> OxyContin, a brand name formation of Oxycodone Hydrochloride, is an opioid agonist with an abuse liability similar to morphine. OxyContin is for use in opioid tolerant patients only. It is used to treat severe, acute pain. It is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>2</sup> Librium, used for anxiety resulting from symptoms of alcohol withdrawal, is a long-acting chlordiazepoxide with active metabolites lasting up to 200 hours.

<sup>3</sup> Subutex, a buprenorphine, is a long-acting (24 -72 hours) partial narcotic opiate agonist-antagonist commonly prescribed for pain, but is also used to counteract or negate other opiates a patient may have ingested.

<sup>4</sup> Meaning that Dr. Ma suspected the patient might have suffered a seizure due to alcohol withdrawal.

1 Gabriel Valley Medical Center, Patient L.G. was given Narcan<sup>5</sup> and Flumazenil<sup>6</sup>. He tested  
2 negative for opioids and all other drugs of abuse. The only drugs Patient L.G. tested positive for  
3 were benzodiazepines, which were administered at the Facility. Dr. Haraszti documented that  
4 L.G. might have been given illicit drugs by a girlfriend, and ordered the patient's room to be  
5 searched.

6 12. At about 0300 hours on November 30, 2006, Patient L.G. was discharged from San  
7 Gabriel Valley Medical Center and returned to the Facility. Upon return to the Facility, Dr.  
8 Haraszti changed L.G.'s medications which included decreasing Subutex to 1mg, substituting  
9 Librium with Serax among others, and documented that: "Since he was quite somnolent as a  
10 result of Subutex, his Librium dosage may have been inadvertently reduced by the staff. . . It is  
11 quite possible the patient may have exaggerated his opiates' usage prior to admission." In  
12 response to L.G.'s inquiry to the cause of his hospitalization, nursing staff reported that he  
13 experienced toxicity from a "combination of Librium and Suboxone." Dr. Haraszti ordered  
14 nursing staff to take Patient L.G. vital signs every four hours, to monitor his vital signs "very  
15 closely" and to perform 15-minute checks.

16 13. On or about December 1, 2006, nursing notes from the previous night shift do not  
17 include vital signs, only the statement that the patient "slept through the night. Monitored every  
18 15 minutes." At about 0930 hours, a clinical therapist discovered the patient in his room with the  
19 door closed, unresponsive and "face and upper body were purple/cool to the touch."  
20 Resuscitation efforts were initiated but failed. Patient L.G. expired. The coroner noted that  
21 "rigor mortis was at stage IV throughout the body."

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27 <sup>5</sup> An antagonist for Subutex.

28 <sup>6</sup> An antagonist for Librium.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Gross Negligence)

3 14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)  
4 on the grounds of unprofessional conduct as defined under California Code of Regulations, title  
5 16, section 1442, in that while employed as a registered nurse at the Facility providing care to  
6 Patient L.G., Respondent committed gross negligence as follows:

- 7 a. Respondent was on duty from 2300 to 0730 hours on November 28-29, November 29-  
8 30, and November 30-December 1, 2006.
- 9 b. Respondent failed to thoroughly assess Patient L.G. consistent with standard nursing  
10 practice for a patient who was being assessed for substance abuse withdrawal, who just  
11 received emergent treatment for alcohol-induced seizure, and who had expressed  
12 suicidal ideations upon admission. These failures include, but not limited to, the  
13 absence of taking Patient L.G.'s vital signs, and the lack of close monitoring of Patient  
14 L.G.'s breathing pattern and level of consciousness. Complainant refers to and  
15 incorporates all the facts and allegations contained in paragraphs 9 - 13, as though set  
16 forth fully.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

- 20 1. Revoking or suspending Registered Nurse License Number 494134, issued to Heryon  
21 Eskin, aka Heryon Lee;
- 22 2. Ordering Heryon Eskin, aka Heryon Lee to pay the Board of Registered Nursing the  
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
24 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/14/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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